

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

TABBITHA LYNN HOSSNER,

Plaintiff,

vs.

USCIS OMAHA FIELD OFFICE,  
Immigration;

Defendant.

**8:21CV187**

**ORDER TO SHOW CAUSE**

Federal Rule of Civil Procedure 4(m) provides, “If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” Fed. R. Civ. P. 4(m).

Plaintiff filed the Complaint on May 13, 2021. (Filing No. 1). More than 90 days has elapsed since the Complaint was filed. To date, Plaintiff has not filed any return of service indicating service on the defendant, USCIS Omaha Field Office, a waiver of service has not been filed, the defendant has not entered a voluntary appearance, and Plaintiff has not requested an extension of time to complete service. Although Plaintiff is pro se, it is their responsibility to properly identify and serve the defendants. See *Gustaff v. MT Ultimate Healthcare*, No. 06CV 5496 (SLT)(LB), 2007 WL 2028103, at \*3 (E.D.N.Y June 21, 2007); *Gonzalez v. L’Oreal USA, Inc.*, 489 F. Supp. 2d 181, 184 (N.D.N.Y. 2007). Therefore, the Court will order Plaintiff to show cause why this case should not be dismissed for lack of service and want of prosecution. Accordingly,

**IT IS ORDERED** that Plaintiff shall have until **September 8, 2021**, to show cause as to why this action should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m) or for want of prosecution. The failure to timely comply with this order may result in dismissal of this action without further notice.

Dated this 25<sup>th</sup> day of August, 2021.

BY THE COURT:

s/Michael D. Nelson  
United States Magistrate Judge